

Working Group on Classification/Declassification

Chairman - Arthur F. Van Cook, DoD - 695 2686

Sub Group C/D-1

Jeffrey Smith (632-9516)
Chairman: Department of State representative -

Composition: DoD, CIA, ERDA, Justice, Domestic Staff and NSA(Observer) *1c Staff (Observer)*

Meeting: June 13, afternoon

Issue: Which information requires protection and for how long and

what criteria should be used in making this judgment

Points for Consideration:

- Should the new Order prescribe minimum criteria for classification of official information?
- Should the new Order prescribe policy prohibiting classification of certain categories of information or classification for certain purposes, i.e., to conceal inefficiency or administrative error, etc?
- What is "sensitive national security information"?
Is the standard of E.O. 11652, i.e. "could reasonably be expected to cause damage to the national security" an adequate legal standard?
- Are the existing categories of E.O. 11652 (i.e. Top Secret, Secret, Confidential) meaningful? Should we re-define the categories, perhaps reducing them to two or increasing them to four?

NSC review completed

- Should the new Executive Order establish special categories for information protected by statute, i.e., the DCI's responsibility for protection of intelligence sources and methods, and NSA's responsibilities for communications intelligence?
- Should the new Order prescribe rules which would bring about mandatory paragraph marking?
- What measures can be incorporated in the new Order to reduce the problem of overclassification, unnecessary classification and overuse of exemption authority?
- Should the Departments and Agencies prepare classification guidelines for their employees?

Sub Group C/D-2

Chairman: NARS representative - *Allen Thompson (523-3168)*

Composition: State, OJCS, NSC and OMB

Meeting: 0900 13 June, Room 18W, NARS

Issue: Which categories of classified material more than 20 years old

could be declassified in bulk under appropriate guidelines.

Points for Consideration:

- Should the Departments and Agencies prepare declassification guidelines for their employees.
- Should more emphasis be placed on the Foreign Relations Series, or other Departmental publications, or on programs by the Archives to publish important papers?

- Should the new Executive Order state which categories could be declassified in bulk after 20 years; or should the order state that everything must be declassified after 20 years except certain specific categories?
- If the former approach is selected, can the categories be adequately defined or should that be left to the Archivist to work out with the head of the Department or Agency at the time of accession?
- Should the new Executive Order require departmental guidelines, or should they be optional? Will they encourage more or less classification?
- Should the new Executive Order direct that all requests from a member of the public for classified information be treated as a request under the FOIA? (i.e. discard the separate mandatory review provisions of E.O. 11652)
- Should the new Order exclude from its declassification provisions information and material classified by or jointly with foreign governments and international organizations?

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Sub Group C/D-3

Chairman: CIA representative -

Composition: DoD, State, NARS, NSC, ICRC, OJCS

Meeting: 20-22 June time frame

Issue: How to promote increased public access to this information

through a more rapid and systematic declassification program.

Points for Consideration:

- Should the new Order require that Departments give emphasis to declassification comparable to that given to classification?
In this connection, should the new Order require decentralization of declassification authority?
- Should the new Order establish criteria for declassification?
- Can the automatic declassification system be modified or expanded to accelerate declassification or to reduce the amount of information that is exempted from automatic declassification? Are the periods for automatic declassification established by E.O. 11652 too long (i.e., 10 years for TS, 8 for S, 6 for C)?
- What can be done to increase the use of the automatic declassification system, or to use "specific event declassification," e.g., conclusion of a certain negotiation?
- Should the new Order limit the authority of original classifiers to extend classification life beyond a particular period?
- Could the automatic downgrading by step be eliminated? (Is it meaningful to say that Top Secret automatically goes to Secret after two years?)
- Should the new Order provide for access to classified information for research purposes (former Presidential appointees), historical researchers, etc.)?

Working Group on Implementation and Review

Chairman - Robert W. Wells, ICRC -724 1578

Sub Group I/R-1

Chairman: ICRC representative

Robert Wells (724-1578)

Composition: NSC, Domestic Staff, State, NARS, DoD, CIA, OMB

Meeting: 1000 13 June, Room 1200 711 14th St, N.W.

Issue: The examination of the role and effectiveness of the Interagency

Classification Review Committee.

Points for Consideration:

- Should the responsibilities and composition of the ICRC as established under E.O. 11652 be continued?
- If changes are appropriate, should the body
 - be given greater authority to enforce the order?
 - have responsibility for coordinating the executive branch policy on classification in response to FOIA requests and lawsuits?
 - be a body to which the public has a mandatory right of appeal (one would have to appeal to ICRC before going to court under FOIA)?
 - be chaired by the Vice President or prominent private citizen?
- Should the new Executive Order adopt an enforcement system based primarily on Departmental action? (One suggestion is the following: routine inspections of classification and declassification decisions, incorrect or poor decisions discovered in the inspections reported

to individual's superior, head of the Department receives
a yearly report of such reports and must certify to President
or NSC that appropriate corrective steps have been taken.)

Sub Group I/R-2

Chairman: Justice representative - *Nowal Sguyras or John Ray*
(739-3714)

Composition: Legal representatives: White House, DoD, State, CIA,

NSC Staff

meeting: 0930 13 June, Room 5505 Main Justice

Issue: What kinds of disciplinary actions can be taken to prevent the

misuse of the security classification system by government officials.

- Is the sanction in E.O. 11652 ("repeated abuse shall
be grounds for administrative reprimand") stiff enough?
Should there be criminal sanctions for extreme misuses,
such as use of classification to cover up criminal activities
or gross mismanagement?
- Should the ad hoc committee consider the issue of what sanctions
(civil or criminal) should be adopted, modified, or continued,
for the unauthorized disclosure of classified information?
- Should the new Executive Order require that each person
who has access to classified information execute a standard
secrecy agreement as a condition of being granted access?

Sub Group I/R-3

Chairman: DoD representative - *Arthur Van Cook (625-2686)*

Composition: Justice, CIA, NSA (observer), OMB, IC Staff (observer) State

meeting: 20-22 June Time frame

Issue: How unnecessary and duplicative practices and procedures can be eliminated, reducing expenses.

- Should the Order permit or prohibit additional protections such as the practice of "special clearances" or "compartmentalization"?
- Should the new Order provide for the standardization of practices and procedures for determining trustworthiness?
- Should the new Order provide that the issuance of clearances be limited to only those employees who have a demonstrable need for access? Should the new Order require a review of all existing clearances to insure they meet the foregoing standard?
- Should the new Order establish procedures and standards for protection (safeguarding) of classified information and material in storage, in transit, etc. ?